

# **EXHIBIT 3**

Page 1

1

2                   UNITED STATES DISTRICT COURT  
3                   FOR THE SOUTHERN DISTRICT OF NEW YORK

4

5                   MARVEL CHARACTERS, INC.,

6

7                   Plaintiff and Counterclaim-Defendant,

8

9                   -against-           Case No.:  
10                                        1:21-cv-7955-LAK  
11                                        and consolidated  
12                                        cases, Nos.:  
13                                        21-cv-7957 LAK and  
14                                        21-cv-7959 LAK

15                   LAWRENCE D. LIEBER,  
16                   Defendant and Counterclaimant.

17                   MARVEL CHARACTERS, INC.,  
18                   Plaintiff and Counterclaim-Defendant,  
19                   -against-  
20                   KEITH A. DETTWILER, in his capacity as  
21                   Executor of the Estate of Donald L. Heck,  
22                   Defendant and Counterclaimant.

23                   MARVEL CHARACTERS, INC.,  
24                   Plaintiff and Counterclaim-Defendant,  
25                   -against-  
26                   PATRICK S. DITKO, in his capacity as  
27                   Administrator of the Estate of Stephen J.  
28                   Ditko,  
29                   Defendant and Counterclaimant.

30                   DATE: October 25, 2022  
31                   TIME: 9:41 A.M.

32                   (Caption continues on following page.)

REALTIME VIDEOTAPED DEPOSITION  
of the Defendant, LARRY LIEBER, taken by  
the Plaintiff and Counterclaim-Defendant,  
pursuant to a Court Order and to the  
Federal Rules of Civil Procedure, held at  
the offices of O'Melveny & Myers, LLP, 7  
Times Square, Times Square Tower, New York,  
New York 10036, before Karyn Chiusano, a  
Notary Public of the State of New York.

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1

2 A P P E A R A N C E S:

3

4 O'MELVENY & MYERS, LLP  
5 Attorneys for the Plaintiff and  
6 Counterclaim-Defendant  
7 MARVEL CHARACTERS, INC.  
8 7 Times Square  
9 Times Square Tower  
10 New York, New York 10036  
11 BY: DANIEL PETROCELLI, ESQ.  
12 dpetrocelli@omm.com

13

14 TOBEROFF & ASSOCIATES, P.C.  
15 Attorneys for the Defendant  
16 and Counterclaimant  
17 LAWRENCE D. LIEBER  
18 23823 Malibu Road ~ Suite 50-363  
19 Malibu, California 90265  
20 BY: MARC TOBEROFF, ESQ.  
21 mtoberoff@toberoffandassociates.com

22

23

24

25

16 ALSO PRESENT:

17 MARCELO RIVERA, Videographer  
18 MOLLY LENS, O'Melveny & Myers, LLP  
19 DANIELLE FEUER, O'Melveny & Myers, LLP  
20 ELI BARD, via Zoom  
21 JAYMIE PARKKINEN, via Zoom

22 \* \* \*

23

24

25

1

2 F E D E R A L S T I P U L A T I O N S

3

4

5 IT IS HEREBY STIPULATED AND AGREED by and  
6 between the counsel for the respective  
7 parties herein that the sealing, filing and  
8 certification of the within deposition be  
9 waived; that the original of the deposition  
10 may be signed and sworn to by the witness  
11 before anyone authorized to administer an  
12 oath, with the same effect as if signed  
13 before a Judge of the Court; that an  
14 unsigned copy of the deposition may be used  
15 with the same force and effect as if signed  
16 by the witness, 30 days after service of  
17 the original & 1 copy of same upon counsel  
18 for the witness.

19

20 IT IS FURTHER STIPULATED AND AGREED that  
21 all objections except as to form, are  
22 reserved to the time of trial.

23

24 \* \* \* \*

25

1

LARRY LIEBER

2

second novel. I live alone and my powers of recollection are not as good as they once were. Also, I feel I should tell you that although I worked with most of the people you mentioned, I did not really know them well. A few of them, I have never even met.

8

Stan would give me a one-page plot outline for a story, I would write the script, return it to Stan, who then would have it sent to an artist who, after drawing it, would send it to a letterer and then, it was inked and colored, while I was home working on the next script."

9

15

And all of that is true; right?

16

MR. TOBEROFF: Wait.

17

A. I -- may I say? I made a mistake in this. And the mistake is would give me a one-page -- I would write the script, return it to Stan and then, would have it sent -- he didn't have it sent to -- to the artist -- to the artist but -- and then the letterer, I think it was the reverse: He had it sent to the letterer and then the artist.

1

LARRY LIEBER

2

Q. Okay. But aside from that, the rest of it is true?

4

A. And -- and --

5

MR. TOBEROFF: Read the letter.

6

MR. PETROCELLI: Please don't interrupt the witness.

8

Q. Aside from --

9

MR. TOBEROFF: If you want the witness to attest whether something is true or not, I am asking him to read the letter.

13

THE WITNESS: You -- you -- you mean this whole -- whole --

15

MR. TOBEROFF: No.

16

Just read it.

17

MR. PETROCELLI: Timeout.

18

Timeout.

19

Q. I have a question.

20

My question to you is: You gave a clarification. Aside from that clarification, is what you wrote here true?

23

(Witness reviews document.)

24

A. What I -- what I read to you is true.

1                   LARRY LIEBER

2                   And after -- I forgot whether  
3                   it was a year or two years, it was a brief  
4                   thing and then, I went back to Marvel.

5                   That's when Stan offered me  
6                   the, um, the job in the British Department.

7                   Q.        Which is what?

8                   A.        Well, as an Editor.

9                   And that was the first time I  
10                  was on staff. And well, I was in the  
11                  British Department.

12                  Q.        Okay. The time period that I am  
13                  going to focus on is when you were writing  
14                  scripts in the early 60's for --

15                  A.        That's before?

16                  Q.        Beforehand, right.

17                  Where, for lack of a better  
18                  word, I will call it the superhero  
19                  characters; okay?

20                  A.        Yes.

21                  Q.        Okay. And this is at a time  
22                  when Stan was giving you the plots and you  
23                  were writing the scripts; right?

24                  A.        Yeah.

25                  Before -- I think -- I -- there

1

LARRY LIEBER

2

was a period where, for seven years, I did

3

that "RAWHIDE KID", which I --

4

Q. Yes.

5

I was going to ask you about

6

that but I'm -- exactly right because --

7

A. I don't remember when, now they

8

-- which came (indicating.)

9

Q. There came a time instead of

10

writing scripts for the superhero

11

characters, based on Stan's plots, you

12

started both writing and illustrating the

13

"RAWHIDE KID's" Comics; right?

14

A. Yes.

15

Q. And you had more freedom at

16

that point; right?

17

A. Yes.

18

Stan didn't even edit it.

19

He said he wouldn't -- I'm on

20

my own.

21

Q. And you did the "RAWHIDE KID"

22

for around seven years or so?

23

A. Yes.

24

Q. And after the "RAWHIDE KID",

25

that's when you went to Atlas; right?

1                           LARRY LIEBER

2 superhero books, starting with The  
3 Fantastic 4.

4                           That left an opening for the  
5 "RAWHIDE KID". Nobody -- and Stan offered  
6 me the "RAWHIDE KID".

7                           Q. Well, okay. I am not going to  
8 really focus on the "RAWHIDE KID".

9                           A. Oh, but that's how -- in time,  
10 it -- it -- I must have started it at the  
11 same time as -- as the superheroes was  
12 starting, is what I --

13                           Q. Well, I will see if I can  
14 refresh your memory on the exact sequence.  
15 I know it's been a long, long time ago.

16                           A. Yes.

17                           Q. But I am going to focus on the  
18 -- on the work that you did writing scripts  
19 based on Stan's plots for the superheroes;  
20 okay?

21                           A. Yes.

22                           Q. So, focussing now, not on the  
23 "RAWHIDE KID"; okay?

24                           Focussing on the characters,  
25 like "ANT-MAN", "IRON MAN", "THOR": You

1

LARRY LIEBER

2

wrote scripts based on plots that Stan Lee

3

gave you; right?

4

A. Yes.

5

Q. And Stan was the person who  
gave you the assignments to write a  
particular script; is that correct?

6

MR. TOBEROFF: Objection.

7

Assumes facts.

8

Q. You may answer.

9

A. Yes.

10

Q. Okay. And in terms of the idea  
for the stories that you scripted, the  
ideas came from the plots and synopses that  
Stan gave you; is that correct?

11

MR. TOBEROFF: Asked and

12

answered.

13

Q. When he objects, by the way,  
you can answer.

14

A. Okay.

15

MR. TOBEROFF: He knows that.

16

Q. Unless he tells you not to  
answer; okay?

17

MR. TOBEROFF: He knows that.

18

MR. PETROCELLI: Well, he's

7                   And, I would put in the  
8                   dialogue for each of the characters. So,  
9                   that's what I mean, I made it into a story  
10                  from -- from the plot (indicating.)

11 Q. And Stan Lee came up with the  
12 ideas for the characters that would be in  
13 the story; right?

14 MR. TOBEROFF: Vague.

15 A. Well, may I answer?

16 Q. Yes.

17 You may answer.

18 MR. TOBEROFF: You may always  
19 answer, unless I instruct you not to  
20 answer.

Just give me an opportunity to  
object.

23 THE WITNESS: Okay.

24 A. He came up with the main --  
25 yeah. I would certainly say the main

1

LARRY LIEBER

2

characters.

3

Q. Like "IRON MAN"?

4

A. Oh, yes.

5

Q. And "THOR"?

6

A. And "THOR".

7

Q. And "ANT-MAN"?

8

A. Yes.

9

Q. Okay.

10

MR. TOBEROFF: That was him.

11

Q. In fact, all of the ideas for  
stories came from Stan --

13

MR. TOBEROFF: Misstates

14

testimony.

15

Q. -- correct?

16

All the ideas for stories that  
you wrote scripts for came from Stan Lee;  
correct?

19

A. From the superheroes.

20

Q. Yes.

21

A. Except the Old West.

22

And yes.

23

Q. Yes.

24

We are not talking about the  
westerns.

1

LARRY LIEBER

2

A. Right. Yes.

3

Q. Okay.

4

A. They all came from Stan.

5

Q. Okay. When Stan gave you an

6

assignment to do a script, did he give you  
a deadline?

7

MR. TOBEROFF: Um --

8

A. Um --

9

MR. TOBEROFF: Objection.

10

Again, assuming facts.

11

You may answer.

12

A. Um, yes.

13

There was a deadline.

14

Q. What were the typical deadlines  
you received?

15

A. I don't recall.

16

Q. When you were writing scripts  
for stories received from Stan, where Jack  
Kirby was to be the artist, Stan would  
frequently tell you that Jack drew very  
quickly; is that right?

17

A. Well, I had known that from --  
he did most of the monster books at the  
beginning, so, I knew he drew -- he drew

1                           LARRY LIEBER

2           Q.     And the penciler?

3           A.     No. Wait a minute.

4                           The penciler.

5           Q.     The penciler is first?

6           A.     Yeah. It would go to the  
7                           penciler.

8           Q.     Before we go to the penciler,  
9                           though, Stan reviewed your scripts?

10          A.     The script, right.

11          Q.     And sometimes, he made changes;  
12                           right?

13          A.     He. You know, I don't recall.

14                           I recall in the early days of  
15                           the monsters but I don't recall him making  
16                           it and --

17          Q.     And as time went on, as you did  
18                           this more and more, Stan did fewer  
19                           corrections to make; right?

20          A.     Yeah.

21                           That's why I don't recall him,  
22                           that point. I don't.

23          Q.     And you understood Stan had the  
24                           right make the changes to your scripts;  
25                           right?

1 LARRY LIEBER

2 A. Oh, of course.

3 Q. Other than talking to Stan --

4 MR. PETROCELLI: Well, time  
5 out.

8 Q. When Stan made changes to your  
9 scripts, did he go over those changes with  
10 you or did he just make them and pass them  
11 onto to the penciler?

12 MR. TOBEROFF: Assumes facts.

15 MR. PETROCELLI: Watch the  
16 speaking objections.

```
17          You don't need to identify the
18          portion --
```

19 MR. TOBEROFF: That's not an  
20 objection, a speaking objection.

21 MR. PETROCELLI: Otherwise.

22 You could be inadvertently coaching  
23 the witness

24 A. Can you repeat that? I go -- I  
25 think I can --

1 LARRY LIEBER

10 THE WITNESS: Go.

14 "QUESTION: And what would  
15 happen next?

1

LARRY LIEBER

2

time went on, he had fewer to make."

3

Q. And all of that testimony that

4

you gave was true; right?

5

A. Yes.

6

7

But I was referring to the  
years with the monster books.

8

Q. But he -- he -- Mr. -- your  
brother, Lee {sic}, continued to review the  
scripts that you gave for the superheroes;  
right?

12

A. I'm sure he -- or I am not  
sure. Wait a minute. I shouldn't say "I am  
sure."

15

I don't know.

16

With the monster scripts, at  
that point, I brought them in and gave it  
to him and what he did, I -- I -- I can't  
recall that.

20

But when I said this, by my  
language here, I know I was referring -- I  
said -- he always used to go over it. He  
-- he would sometimes just cross something  
out or tell me "change the word."

24

He did it very easily, that's

1 | LARRY LIEBER

2 correct?

3           A.        Well, when I say "it was the  
4        same process," does that imply that -- it  
5        was the same -- let me ample: It was the  
6        same process in that I wrote the story and  
7        I handed it and I gave it to him. It might  
8        have been different in that he -- he didn't  
9        -- he didn't bother correcting or feel a  
10       need to correct me at that point.

11 Q. But he still had the right to  
12 correct you, if he thought the corrections  
13 were appropriate?

14 MR. TOBEROFF: Objection.

15 Calls for a legal conclusion as  
16 to "right."

17 Q. You may answer.

18 A. In my -- in my -- I -- I would  
19 have thought that he did have the right.

Yes, I would have felt it.

21 Q. You're saying that as time went  
22 on and your writing style improved, you  
23 believe that Stan had less need to make  
24 corrections?

25 A. Yes; absolutely.

1

LARRY LIEBER

2

Q. Okay. But if he thought he wanted to change something, with respect to the superheroes --

5

A. He could.

6

Q. -- you understood that he could

change it, if he wanted to; right?

8

MR. TOBEROFF: Objection.

9

Asking a lay witness for a

10

legal conclusion.

11

Q. You may answer.

12

A. Yes.

13

Q. Thank you.

14

A. It was my understanding that he could.

16

Q. Okay. That's all. That's what I am asking. Thank you.

18

During this period of time, when you were working on the -- on the Marvel superheroes in the 60's, you never submitted any work to Marvel that had not began assigned to you from Sam -- from Stan; correct?

24

A. I don't think I did. No.

25

Q. Okay.

1 LARRY LIEBER

2                   A.        To the -- I don't know. I don't  
3                    think so.

4 Q. Well, could you take a look at  
5 your deposition, at 110?

6 (Witness complies.)

7 Q. Page 21.

10 MR. PETROCELLI: No.

11 | Page 110.

12 I'm sorry. Line 21. Line 21.

13 Q. Do you see the yellow part,  
14 that's under -- highlighted, on Page 110?

15 (Witness reviews document.)

16 A. Yes.

17 Q. For the period 1958 to 1965,  
18 did you ever submit any work to Marvel that  
19 hadn't been assigned to you?

20 "ANSWER: No. No. "

21 Q. Do you see that?

22 (Witness reviews document.)

23 A. Yes.

24 Q. And that was true testimony;

25 right?

Page 140

1

LARRY LIEBER

2

A. I -- I -- I believed it, when I

3

said it.

4

Q. Okay. And that was true for  
all of your scripts on the superhero work?

5

A. You mean submitting on my own?

6

Yes. I believe so.

7

Q. In other words, all of the work  
that you did on the superheroes was  
assigned to you from Stan Lee?

8

A. Yes.

9

Q. Okay.

10

A. I think so.

11

Q. Thank you.

12

MR. TOBEROFF: You have to  
speak audibly.

13

A. Yes. I --

14

MR. TOBEROFF: We heard you but

15

--

16

THE WITNESS: Oh.

17

MR. TOBEROFF: -- I'm saying in  
the prior answer, you trailed off.  
You trailed off.

18

You said "I think so."

19

THE WITNESS: I am getting

1                   LARRY LIEBER

2                   confused.

3                   Q.       Your answer -- your answer, it  
4                   was clear.

5                   Thank you.

6                   (Whereupon, a short recess was  
7                   taken.)

8                   Q.       After you submitted your script  
9                   to Stan Lee, after turned it in; okay, did  
10                  you ever have any contact with the artists,  
11                  colorers, inkers, pencilers about your  
12                  script?

13                  A.       Not that I can recall.

14                  Q.       Okay.

15                  MR. PETROCELLI: Why don't we  
16                  take a short break right now; okay?

17                  THE VIDEOGRAPHER: The time is  
18                  12:13 P.M.

19                  We are going off the record.

20                  (Whereupon, a short recess was  
21                  taken.)

22                  THE VIDEOGRAPHER: The time is  
23                  12:38 P.M.

24                  We are back on the record.

25                  MR. PETROCELLI: Can you put

1 | LARRY LIEBER

2 I wouldn't do that.

3 Q. Okay.

**4** A. I wouldn't do that.

5 Q. But you did get paid for all of  
6 the work that you did for Marvel?

7 A. Oh, yes.

8 Q. Yes.

11 A. Yes.

12 Q. And you got a check; right?

13 A. Yes.

14 Q. And you got --

15 MR. TOBEROFF: Vague is the  
16 period.

17 MR. PETROCELLI: I am referring  
18 to 1958 to 1965.

19 Q. And for your -- and for your  
20 purposes, if it's important to you, I am  
21 referring to -- to the time period before  
22 you started working on the "RAWHIDE KID";  
23 okay?

24 A. Yeah.

Q. And -- and you submitted a

1

LARRY LIEBER

2

voucher and you got a check; right?

3

MR. TOBEROFF: In 1958 to 1965?

4

MR. PETROCELLI: Yeah.

5

MR. TOBEROFF: That's the  
question.

6

A. Yes.

7

Q. Okay. And you were paid a  
per-page rate for your work; correct?

8

A. Yes.

9

Q. Who would hand out the checks?

10

A woman, named Millie?

11

A. Yes. Yes.

12

I -- I -- I believe -- I have  
tried to think of that and I -- I don't  
know if it was a special day. I think there  
might have been, where the freelancers had  
to come into the office to get the -- the  
checks and there might have been another  
day when the people on staff got them.

13

Q. Okay.

14

A. I -- I -- I did -- vaguely.

15

Q. You don't have copies of any of  
those checks, do you?

16

A. No. No. No.

1

LARRY LIEBER

2

Q. Okay. Was there anything printed on the back of the check?

4

A. Well, I -- on -- on -- on them? Yeah, there was something.

6

Q. Do you recall?

7

A. I don't recall what it was, except the jist of it was, like, that it now belonged to -- to -- to Marvel and -- and, you know, it didn't belong to me.

11

Q. And -- and do you know if that was written on every check that you received?

14

A. I believe so.

15

But I -- but I -- I don't -- I -- I believe so. I -- I think it was the custom. I --

18

Q. Do you know --

19

A. Let's say I didn't notice.

20

I didn't look at every check, the back of it.

22

Q. Other than the per-page rate, did you receive any other money for the scripts?

25

A. Of course.

1 LARRY LIEBER

2 There was something --

3 MR. TOBEROFF: He's talking

4 about between 1958 and 1965.

5 A. No.

6 I mean for the -- for the --

7 for the -- for the scripts? No. I don't  
8 think so. No.

9 Q. Okay. So, for example --

10                   A.        I was thinking of bonuses but  
11                    that was for people on staff.

12 Q. Okay. So, your sole

13 compensation was the per-page rate?

14 A. As far as I know, yes.

15 Q. Okay.

A. That's all.

17 Q. And you got that per-page rate  
18 whether or not the comic was a flop or was  
19 a big hit; right?

20 You still got the same per-page  
21 rate?

22 MR. TOBEROFF: Vague.

23 A. Yeah.

24 As -- as long as they accepted  
25 my --

1                   LARRY LIEBER

2                   don't want you to speculate. I only  
3                   want you to testify as to your  
4                   knowledge, period.

5                   Q.        I am entitled to your best  
6                   recollection, sir, to be clear.

7                   MR. TOBEROFF: Exactly.

8                   Q.        So, give me your best  
9                   recollection; who -- who --

10                  MR. TOBEROFF: And your  
11                  knowledge.

12                  THE WITNESS: What was the  
13                  question?

14                  Excuse me.

15                  Q.        -- approved the comics as they  
16                  were being processed and made the final  
17                  decision that they can be published?

18                  A.        Well, Stan had to approve --  
19                  had to approve the plot and the artwork and  
20                  the other things and -- before it went to  
21                  the engraver.

22                  Q.        Okay. If it went to the  
23                  engraver, then it would get published?

24                  A.        As far as I -- I -- I know.

25                  Q.        Okay. Can you identify any

1                           LARRY LIEBER

2                           A.        No.

3                           Q.        Okay. And when you did  
4                           "RAWHIDE", were you still paid the same  
5                           way, per page?

6                           A.        Oh, yes.

7                           **Everything I did was per page.**

8                           Q.        Okay.

9                           A.        Yeah.

10                          Q.        And I had asked you about Don  
11                          Heck and you indicated that you really had  
12                          pretty much no knowledge about what he did.

13                          A.        No. I knew of --

14                          MR. TOBEROFF: Wait. Wait for  
15                          the next question.

16                          THE WITNESS: Oh.

17                          Q.        So, my -- what about Steve  
18                          Ditko? Do you know whether he was ever  
19                          assigned work by someone, other than Stan  
20                          Lee or another Marvel Editor, while he was  
21                          at Marvel?

22                          A.        I have no idea.

23                          Q.        Would your answer be the same  
24                          for Jean Colon?

25                          A.        Yes.

1                           LARRY LIEBER

2                           A.        No.

3                           That's why I guess -- that's  
4                           why I guess I am confused with the "RAWHIDE  
5                           KID" and, you know, which came first.

6                           Q.        These do not --

7                           A.        I know.

8                           Q.        These did not go into "RAWHIDE"  
9                           KID"?

10                          A.        I never kept records of -- of  
11                          -- of this. No.

12                          Q.        Okay. It's correct that all of  
13                          the scripts that you worked on, again prior  
14                          to "RAWHIDE KID", we are not talking about  
15                          "RAWHIDE KID".

16                          All of the scripts that you  
17                          worked on that are listed in your  
18                          Termination Notices --

19                          A.        Yes.

20                          Q.        -- these are scripts that you  
21                          wrote all based on plots or synopsis from  
22                          Stan Lee; right?

23                          A.        To the best of my recollection.

24                          Q.        And he -- and in every case, he  
25                          would assign you these stories to write;

1 LARRY LIEBER

2 right.

3 | Let me repeat --

4 A. It's vague to me, in my memory.

5 Q. All of the scripts that you

wrote were based on assignments that Stan

7

8 A. I would say yes.

9 Q. -- that Stan gave you?

10 A. I would say yes.

11                           But if you ask me do I recall  
12                           walking into the room?

13 | Q. I am not asking you that; okay?

14 A. Okay.

15 Q. Do you recall anybody, other  
16 than Stan, giving you assignments? Anybody  
17 at Marvel, other than Stan, giving you the  
18 assignments to write the stories?

**19 A. These stories (indicating)?**

20 g. Yes.

21 You're referring to the  
22 exhibit.

A. I don't recall anybody else.

24 Q. Okay. And for each of these  
25 stories on Exhibit 1, after you wrote the

1 LARRY LIEBER

2 A. Yes. I would think so, yes.

3                   Q.        The same process was employed  
4        for all of these works?

5                   A.        To the best of my recollection,  
6                    yeah.

7 Q. Okay. And you were paid for all  
8 of these stories that -- that are in --  
9 that are in the works in your Termination  
10 Notices, on a per-page basis; correct?

11 A. Yes. I believe.

12 Q. And that was the only money you  
13 got was when you got paid for those scripts  
14 on a per-page basis?

15 A. Yes.

16 Q. Okay. You can put that away and  
17 let me just show you the next exhibit.

18 (Witness complies.)

19 MR. PETROCELLI: This will be  
20 Exhibit 24.

21 (Whereupon, Defendant Lieber's  
22 Second Amended Responses and  
23 Objections to Plaintiff's First  
24 Interrogatories to Lawrence D. Lieber  
25 was marked as Plaintiff's Exhibit 24

1 LARRY LIEBER

2 A. It says "Ditko."

3 I don't know.

4 (Witness reviews document.)

5 A. My memory, I just don't know.

6 Q. Okay. If you don't remember --

7                   A.        These documents all seem alike  
8                   to me.

9                   Q.        Okay. I just want to ask you a  
10                  couple of questions about this.

11 A. I can't say that I have --  
12 okay

13 MR. TOBEROFF: You have to speak  
14 clear

15 You're speaking in a very low  
16 voice.

THE WITNESS: Oh yeah.

18 A T can't say with --

19 MR. TOBEROFF: Okay. They heard  
20 you.

## THE WITNESS: All right.

22 Q. Okay. You can put that down for  
23

24 | [Witness compliance](#)

25 You did not begin writing. 

1

LARRY LIEBER

2

script until Stan gave you the plot or the  
synopsis; is that correct?

4

A. He -- that -- yes.

5

Q. And again, we are not talking  
about "RAWHIDE" now. This is before  
"RAWHIDE".

8

A. Yes.

9

Q. Okay.

10

A. He gave me the plot, yeah.

11

Q. And that's when you started  
your work on this script; right, after you  
got the plot or synopsis?

14

A. After I got -- right, his plot.

15

Q. Okay.

16

MR. TOBEROFF: Objection;

17

vague, as to what we are talking  
about.

19

Q. So, let me direct you to

20

Request For Admission Number 2, which is on  
Exhibit 25.

22

(Witness complies.)

23

Q. It's on Page 3.

24

(Witness reviews document.)

25

Q. It says: "Admit that you did

1                   LARRY LIEBER

2                   some very, um, um, accusatory remarks  
3                   that I don't like but you're right.

4                   That one, I withdraw what I  
5                   said previously.

6                   MR. PETROCELLI: Okay.

7                   Q.     So, you were paid for the work  
8                   that you did; correct?

9                   A.     As far as I know, yes.

10                  Q.     Thank you.

11                  A.     I -- I -- yes.

12                  Q.     And you already testified to  
13                  that so let me go see if I have any others.

14                  Would it be fair to say, since  
15                  you never saw this document, you don't  
16                  really know why your lawyer answered the  
17                  way that he did on any of these?

18                  MR. TOBEROFF: Objection.

19                  It misstates the testimony  
20                  He didn't say he never saw the  
21                  document.

22                  Q.     You said you don't recall  
23                  whether or not you saw this document.

24                  A.     I don't recall.

25                  Q.     Is it -- so I won't have to

1                   LARRY LIEBER

2       guy. You must be exhausted."

3                   And I mentioned to a friend of  
4       mine in the business there, an inker, I  
5       said "poor Stan. He was home on the  
6       weekend and he wrote 50 pages" and the guy  
7       said -- and my friend said to me: "Larry,  
8       if you can write 50 pages on a weakened,  
9       wouldn't you do it?"

10                  And of course, I had to laugh.

11                  And I said "I wish I could."

12               Q.     And during the late 50's and  
13       the 60's, when you would write these comic  
14       book stories, did -- were you paid a  
15       salary?

16               A.     No.

17               I was paid by the page.

18               Q.     Did you receive any health  
19       benefits --

20               A.     No.

21               Q.     -- from the company?

22               A.     No.

23               Q.     Did you receive any retirement  
24       benefits from the company at that time?

25               A.     No.

1                   LARRY LIEBER

2                   leading.

3                   Q.       All right. The after you wrote  
4                   your story, what would happen?

5                   A.       I would -- I would go to Marvel  
6                   and turn it in to -- to the Editor or to --  
7                   who I don't remember, to his secretary or  
8                   maybe even -- there were a few people, it  
9                   might have been Sol Brodsky or somebody  
10                   else, Paul Stymler or Stan, himself.

11                   I mean I would just turn it in  
12                   to the company.

13                   Q.       If they published your story,  
14                   would you be paid for it?

15                   A.       Yes.

16                   Q.       By the page?

17                   A.       Yes.

18                   Q.       Okay. Before they paid you by  
19                   the page, did Marvel own the story or did  
20                   you own the story, in your opinion?

21                   MR. PETROCELLI: Object -- I  
22                   object to the form of the question.

23                   A.       Well, before they -- before  
24                   they paid me for it, they didn't have it, I  
25                   had it. It's mine. I wrote it. I owned

1

LARRY LIEBER

2

Q. Okay. Everyone of the stories  
 that you wrote for the superheroes, every  
 single one, you got paid for; correct?

5

A. Yes.

6

Q. The one example that you  
 discussed, where you had to redo the plot,  
 that happened long afterwards, even after  
 "RAWHIDE KID"; is that correct?

10

A. Oh, yes.

11

Q. And you got paid --

12

MR. TOBEROFF: Wait for me to  
 object. Wait for me to object.

14

THE WITNESS: I forgot. I  
 forgot.

16

MR. TOBEROFF: To everything  
 you're saying.

18

Q. And you did get paid for the  
 pages that you wrote, when you finally  
 submitted them?

21

A. When I wrote the story? Yes.

22

MR. TOBEROFF: You would not  
 wait -- letting me object; okay?

24

So, my objection is that these  
 questions are vague, overbroad and

1                           LARRY LIEBER

2                           of the checks.

3                           You don't recall whether the  
4                           back of the checks said that you were  
5                           selling something?

6                           A.     I don't recall.

7                           Q.     Okay.

8                           MR. TOBEROFF: Wait a second.

9                           He is still talking and he said  
10                           "okay."

11                          MR. PETROCELLI: He said "I  
12                          don't recall."

13                          MR. TOBEROFF: No.

14                          He said I don't recall but he  
15                          is talking and you feel it's okay to  
16                          him off because you want to cut it  
17                          off at "I don't recall" but he was  
18                          still talking.

19                          MR. PETROCELLI: Do you want  
20                          him to elaborate, Marc?

21                          MR. TOBEROFF: Yes.

22                          MR. PETROCELLI: He wants you  
23                          to elaborate because you didn't like  
24                          your answer.

25                          MR. TOBEROFF: That's not true.

1                           LARRY LIEBER

2                           You cut him off while he was still  
3                           speaking and you shouldn't be doing  
4                           that.

5                           Q.     Please finish the answer.

6                           A.     I forgot the question.

7                           Q.     I'll ask you again: You don't  
8                           recall that on the back of the check, it  
9                           said that you were selling something; is  
10                          that correct?

11                          MR. TOBEROFF: It misstates his  
12                          testimony.

13                          A.     I don't recall what it said.

14                          Q.     Okay. Thank you.

15                          MR. TOBEROFF: Again, you cut  
16                          him off. He was talking.

17                          You said okay, while he was  
18                          still talking.

19                          THE WITNESS: That's all I had  
20                          to say.

21                          MR. PETROCELLI: Marc, you just  
22                          heard your own client said "that's  
23                          all I had to say."

24                          MR. TOBEROFF: No. But he was  
25                          talking. You said okay. You cut him

LARRY LIEBER

1  
2                   said "yes," instead of "okay."  
3                   I am confused.  
4           Q.        You were asked some questions  
5                   about how you wrote your stories.  
6                   Do you remember that?  
7           A.        Yes.  
8           Q.        You gave a very long answer.  
9           A.        Yeah. Yeah. Well, I -- I -- I  
10                  felt that was -- I like to explain myself.  
11           Q.        No. That --  
12           A.        Explain what went on here.  
13           Q.        Now, you didn't select who the  
14                  artist was going to be for your scripts;  
15                  right?  
16           A.        No. No.  
17           Q.        Stan Lee did that; is that  
18                  correct?  
19           A.        Yes.  
20           Q.        And you didn't select who the  
21                  letterers or the colorers were going to be  
22                  right?  
23           A.        No.  
24           Q.        And when you turned your script  
25                  in and as you testified, Stan had an

1 LARRY LIEBER

2 opportunity to review it; right?

3 A. I am sure he did.

4 Q. Okay. After you turned it in,  
5 you had no further communication or contact  
6 with anybody except, perhaps, with Stan, if  
7 he had some discussion with you?

8 A. Yes. That's right.

9 Q. And so, you had no idea how  
10 that comic story was going to ultimately  
11 appear until you saw it in the comics after  
12 it was published; is that right?

13 A. Well, I -- I assume they would  
14 follow my story but I had -- I had no idea  
15 -- yeah, right.

16 The next time I saw -- I knew  
17 anything about it is when it came out, you  
18 know, in the comic book form.

19 Q. Okay.

20                   A.        Unless I happen to see somebody  
21        in the office inking it or lettering or  
22        something.

23 Q. And did you always look at the  
24 comics once they were published?

25 A. No. No.

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1                   LARRY LIEBER

2                   E X H I B I T S

3

4                   PLAINTIFF'S EXHIBITS

5

| 6                   EXHIBIT | 7                   EXHIBIT | 8                   PAGE |
|-----------------------------|-----------------------------|--------------------------|
| NUMBER                      | DESCRIPTION                 |                          |
| 1                           | Letter being dated          |                          |
|                             | January 31, 2011            | 23                       |
| 2                           | Deposition transcript       |                          |
|                             | with attached errata        |                          |
|                             | sheet                       | 31                       |
| 3                           | Document, entitled "A       |                          |
|                             | Conversation with           |                          |
|                             | Artist-Writer Larry Lieber, |                          |
|                             | conducted & Edited by Roy   |                          |
|                             | Thomas, Transcribed by      |                          |
|                             | Jon B. Knutson"             | 35                       |
| 4                           | Document entitled:          |                          |
|                             | "Comic Book Marketplace,    |                          |
|                             | Special Halloween           |                          |
|                             | Horror-Fest! Jim Warren's   |                          |
|                             | Creepy & Eerie! Plus:       |                          |
|                             | Grisly, Gruesome and        |                          |
|                             | Ghastly... Pre-Code         |                          |

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| 5  |              | by Barry Dutter              | 43 |
| 6  | 6            | Document, entitled:          |    |
| 7  |              | "Tribute: 2003 Kirby Tribute |    |
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| 9  | 7            | Document, entitled: "20th    |    |
| 10 |              | Century Danny Boy"           | 49 |
| 11 | 8            | Document with picture of     |    |
| 12 |              | Stan Lee on cover, entitled: |    |
| 13 |              | "Special STAN LEE 85th       |    |
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| 15 | 9            | Document, entitled:          |    |
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| 17 |              | Happens! Jack Kirby Takes    |    |
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| 20 | 11           | Document, entitled: "Back    |    |
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| 23 | 12           | CD of podcast                | 63 |
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| 5  | 17           | E-mail 80                   |
| 6  | 18           | E-mail 86                   |
| 7  | 19           | E-mail from Marvel: August  |
| 8  |              | 1961 Omnibus Introduction   |
| 9  |              | from Cory Sedimeier,        |
| 10 |              | dated Thursday, January     |
| 11 |              | 28, 2021 at 7:10 A.M. 93    |
| 12 | 20           | "Tales of Suspense,         |
| 13 |              | "IRON MAN" He Lives!        |
| 14 |              | He Walks! He Conquers!" 158 |
| 15 | 21           | One-page document,          |
| 16 |              | entitled "RAWHIDE KID"      |
| 17 |              | Gunfight with Yerby's       |
| 18 |              | Yahoos!" 176                |
| 19 | 22           | Contract, beginning with    |
| 20 |              | the words: "AGREEMENT made  |
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| 22 |              | by and between Larry        |
| 23 |              | Lieber" 182                 |
| 24 | 23           | Complaint for Declaratory   |
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LARRY LIEBER

## I N D E X

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| 9  | INFORMATION AND/OR DOCUMENTS | PAGE |
| 10 | (None)                       |      |

15 | QUESTIONS MARKED FOR RULINGS

16 PAGE LINE QUESTION

17 72 6 Mr. Lieber, you did speak to  
18 your counsel during the break;  
19 is that correct?

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1                   LARRY LIEBER

2                   C E R T I F I C A T E

3

4                   STATE OF NEW YORK                   )

  :    SS.:

5                   COUNTY OF NEW YORK                )

6

7                   I, KARYN CHIUSANO, a Notary Public  
8                   for and within the State of New York, do  
9                   hereby certify:

10                  That the witness whose examination is  
11                  hereinbefore set forth was duly sworn and  
12                  that such examination is a true record of  
13                  the testimony given by that witness.

14                  I further certify that I am not  
15                  related to any of the parties to this  
16                  action by blood or by marriage and that I  
17                  am in no way interested in the outcome of  
18                  this matter.

19                  IN WITNESS WHEREOF, I have hereunto  
20                  set my hand this 17th day of November,  
21                  2022.

22                    
23                  <%18034,Signature%>

24                  KARYN CHIUSANO

25